



November 20, 2018

The Honorable Charles E. Grassley  
Chairman  
Committee on Judiciary  
United States Senate  
Washington, DC 20510

The Honorable Diane Feinstein  
Ranking Member  
Committee on Judiciary  
United States Senate  
Washington, DC 20510

Dear Chairman Grassley and Ranking Member Feinstein:

Little People of America (LPA) is a nonprofit organization that provides support and information to people of short stature and their families. We write to you to express our disappointment and concern about President Trump's nomination of Neomi Rao, currently the administrator of the Office of Information and Regulatory Affairs, to fill the seat on the U.S. Court of Appeals for the D.C. Circuit. Ms. Rao has expressed support for the overturning of a banned practice of dwarf tossing. We are asking you to consider blocking Judge Rao's nomination because of this offensive view that she espouses.

Ms. Rao, in "Three Concepts of Dignity in Constitutional Law" in the Notre Dame Law Review, Vol. 86, No. 1, writes that the "concepts of dignity can be used to coerce individuals by forcing upon them a particular understanding of dignity". She continues when referring to a gentleman with dwarfism who wished to participate in dwarf tossing, "rather than give...the freedom to behave in an undignified manner, the law determined that it would be in the best interest of his dignity to prevent him from earning his living in this way". We vehemently disagree with Ms. Rao's view that banning dwarf tossing negates individual's dignity. A ban on dwarf tossing event significantly reduces the risk of inevitable bodily harm to the person being tossed. We strongly support our community in having individual choice in every aspect of their lives and we advocate for equal employment opportunities so that our community need not be constrained to earning a living by being the recipient of a dehumanizing and injurious activity.

Florida and New York have both passed laws that ban dwarf tossing. In 2011, the dwarfism community rallied to stop an effort to overturn the dwarf tossing legislation in Florida. The community fought to protect the law because dwarf tossing threatens not only the individuals involved, but all members of the dwarfism community. In early 2012, a dwarf named Martin Henderson was "tossed" against his will in a pub and sustained a spinal cord injury. With this



threat in mind, LPA worries that a public figure with judicial authority like Ms. Rao, who condones dwarf tossing, could influence the perpetuation of negative cultural stereotypes and hold the potential to permit serious bodily injury to members of the dwarfism community. We appreciate that Ms. Rao has many perspectives and opinions about individual choice and choice upholding human dignity. We strongly object to the public acceptance of dwarf tossing which condones the objectification of and abuse against people with dwarfism.

If you have any questions or comments, please contact LPA President, Mark Povinelli at [markpovinelli@mac.com](mailto:markpovinelli@mac.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Povinelli".

Mark Povinelli  
President, Little People of America

*Michelle Kraus*

Michelle Kraus  
Advocacy Director, Little People of America